are not available to us. At least in future the Law Member should think of the possibility of a decent interval of time for legislative business between its passing in the other House and the introduction in this House.

**Mr. Kayalam Paramesvaran Pillai:** Sir, I concede the fairness and the justice of the observations made by Mr. Balakrishnan Tampi just now. Even during this session I considered whether I might not suggest to the Dewan that the Council might not be put off till after a week or so after the closing of the Assembly. But it so happened this time that a joint session had to be held. If therefore the council session is put off honourable members will have to go home after the Joint Committee and then return after a week or so for this meeting. I thought that might cause serious inconvenience to the members. For the future I shall certainly remember what Mr. Balakrishnan Tampi has suggested. I shall suggest to the Dewan—because it is the Dewan and not Government that fixes the day for the meetings, to allow a fair interval, whenever possible, between the close of the Assembly and the starting of the Council.

The motion that the Bill be taken into consideration was then put and carried.

Clauses 1 to 4 and the Preamble and Title were, one by one, put and agreed to.

**Mr. Kayalam Paramesvaran Pillai:** I beg to move that the Bill as now approved be passed into law.

**Mr. C. O. Madhavan:** I second it.

The motion was carried and the Bill was passed.

## THE TRAVANCORE COURT OF WARDS BILL.

**Mr. Kayalam Paramesvaran Pillai:** Sir, I beg to move that the Travancore Court of Wards Bill, as passed by the Sri Mulam Assembly be taken into consideration. I daresay that the honourable members have gone through the Bill even though it must have caused some strain to them. I shall, however, explain the main principles of the Bill very briefly. The object of the Bill is to provide for the protection of the person and property of incapacitated person. It deals with persons such as minors and persons of unsound mind. The Bill proposes a State agency called the Court of Wards to take charge of the person and property of the incapacitated persons called the wards in this Bill. This agency is created for the purpose of looking after the persons and proper management of the property of the incapacitated persons. The court proposed is a board consisting

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[Mr. Kayalam Paramesvaran Pillai.]

of the Land Revenue Commissioner and two other persons nominated by Government and exercises its functions through the Peishkar who is practically the executive officer of the Court. Though there is a statutory body called court it has all the rights and liabilities of a guardian in respect of the person and property, of say, a minor. As a matter of fact, in strict law, a Court of Wards is only a State appointed guardian to look after the person and property of the incapacitated person. It is not intended that this Regulation should be put into operation in respect of every minor or every incapacitated person. What is intended is that it should be applied only in the case of men of some social position and standing and one who is in possession of considerable property and particularly where public interest also is involved. The Bill is drawn very closely on the lines of the Court of Wards Act in Madras and the Court of Wards Regulation in Cochin. I trust that the principle of the Bill will be accepted by this House.

**Mr. C. O. Madhavan:** I second it.

**Mr. G. Narayana Aiyar:** I have one question, Sir. Suppose the property of an incapacitated person lies in British India, is it possible for a Travancorean to take possession of his property in British India?

**Mr. Kayalam Paramesvaran Pillai:** There is no express provision in this Bill. That will have to be decided on the principles of Private International Law.

**Mr. G. Narayana Aiyar:** Suppose the property of a person lies in Travancore. Can a person from British India take possession of that property in Travancore?

**Mr. Kayalam Paramesvaran Pillai:** The principles of Private International Law will have to be applied in such cases.

**Mr. G. Narayana Aiyar:** I only put the question just to avoid duality in respect of management.

**Mr. Kayalam Paramesvaran Pillai:** There is no provision in this Bill relating to it. As I said, it has to be decided on principles of Private International Law. Nothing would turn upon any specific provision in this Bill.

**Mr. G. Narayana Aiyar:** Is it not advisable then to postpone the consideration of the Bill till the International Law is decided?

**Mr. Kayalam Paramesvaran Pillai:** It has all been settled. Only, it is not expected that provisions will be made in a Bill of this kind.

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**Mr. Kochikal P. Balakrishnan Tampi** : Sir, I only want to repeat what I said that the consideration of this Bill and the Travancore Lunacy Bill be postponed to some future occasion. The reason is that we had not sufficient time to read through and study the various provisions of the Bill. Things may be done very expeditiously but not prudently.

**Mr. G. Narayana Aiyar** : I also propose that the consideration of this Bill be postponed to some other date.

**Mr. Kayalam Paramesvaran Pillai** : If this House is really serious that they want time to consider the matter, I have no objection at all. I leave it to the non-official side entirely.

In regard to Mr. Tampi's statement, I have stated that, in future, every attempt will be made to give the non-official members sufficient time for considering the Bills whenever possible. If the House really wants to have some time to consider this Bill, I leave it to them to decide it.

This Bill is practically a copy of the Bill in British India and Cochin. If the members can take that assurance it seems to me that nothing will be gained by postponing it.

**Chairman** : In view of the statement made by the Law Member does Mr. Tampi object to the Bill being considered?

**Mr. Kochikal P. Balakrishnan Tampi** : It is not for want of faith in the Law Member or the legislative excellence of British Indian enactments that prompts me to suggest that the consideration of the Bill be postponed. Consistent with the oaths we have tatken in this House we have to satisfy ourselves that we have bestowed sufficient attention on every clause. I have nothing but admiration for legal draftsmanship and for the laws and regulations prevailing in British India and Great Britain and also for the talented Law Member. All the same, my objection is that the House as a whole had not sufficient time to think over it.

**Chairman** : May I take it that the sense of the House is to proceed with the Bill?

**Mr. K. P. Nilakanta Pillai**: I think Sir, that the Bill may be taken up for consideration.

The motion that the Bill be taken into consideration was then put and carried.

Clauses 1 to 62 and the Preamble and Title were, one by one, put and passed.

**Mr. Kayalam Paramesvaran Pillai** : I beg to move that the Bill be passed into law.

**Mr. C. O. Madhavan** : I second it.

The motion was carried and the Bill was passed.



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